

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-36 are currently pending. Claims 1, 13, and 25 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 13-19 and 25-31 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,414,494 to Aikens et al. (hereinafter "the '494 patent"); Claims 20-24 and 32-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '494 patent in view of U.S. Patent No. 5,706,434 to Kremen et al. (hereinafter "the '434 patent"); Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '494 patent in view of U.S. Patent No. 6,237,143 to Fontana et al. (hereinafter "the '143 patent"); and Claims 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '494 and '143 patents, further in view of the '434 patent.

Applicants wish to thank Examiner for the interview granted Applicants' representative on October 18, 2006, at which time the outstanding rejection of the claims was discussed. In particular, the claimed software interface and the "instructions sent from the target software application" recited in Claim 13 were discussed. At the conclusion of the interview, the Examiner agreed to reconsider the "instruction" limitation recited in Claim 13. However, no agreement was reached pending the Examiner's further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Amended Claim 13 is directed to a computer-implemented method for collecting information from a target software application residing in a device unit, the method comprising the steps of: (1) obtaining, from the target software application through a software interface, by a monitoring software device residing in the device unit and having a plurality

of monitoring components, information regarding execution of the target software application, wherein the plurality of monitoring components includes an event logger; and (2) processing, by the monitoring software device, instructions sent from the target software application, wherein the instructions include instructions for sending event data to a remote site and instructions for storing the event data in a local disk, wherein the processing step includes the steps of accessing a shared system resource and executing a plurality of instructions included in the system resource. Further, amended Claim 13 recites that the device unit is one of an image printing device and an appliance.

Regarding the rejection of Claim 13 as anticipated by the '494 patent, the '494 patent is directed to a method of automatic notification to a selected remote device in response to machine conditions detected by a machine monitoring element. As shown in Figures 2 and 3, a copier machine includes application system software 150 under control of processor 196, dynamic memory 155, an event log 158, and a physical data file 185. The '494 patent discloses that event data are input as they occur by the application system software 150 into the dynamic memory 155. Further, the '194 patent discloses that data stored in the event logger file 158 and/or the crash logger file 171 are stored in the physical data file 185 for evaluation, and can then be accessed by a service representative or stored for transmission to a remote location.¹ However, Applicants respectfully submit that the '494 patent fails to disclose the software interface recited in Claim 13. The '494 patent is silent regarding obtaining, from the target software application through a software interface, information regarding execution of a target software application, as recited in Claim 13.

Further, Applicants respectfully submit that the '494 patent fails to disclose the step of processing, by the monitoring software device, instructions sent from the target software application, wherein the instructions include instructions for sending event data to a remote

¹ See '494 patent, col. 5, lines 51-65.

site and instructions for storing the event data in a local disk, as recited in amended Claim 13.

The '494 patent does not disclose that instructions are sent from the target software application, wherein the instructions include instructions for sending the event data to a remote site and instructions for storing the event data in a local disk. While the '494 patent discloses that the data stored in the physical data threshold file may be sent to a remote site, the '494 patent does not disclose that instructions are sent from the target software application for processing by the monitoring software device, wherein one of the instructions is an instruction for sending the event data to a remote site, as recited in Claim 13. Accordingly, for the reasons stated above, Applicants respectfully traverse the rejection of Claim 13 (and all similarly rejected dependent claims) as anticipated by the '494 patent.

Independent Claim 25 recites limitations analogous to the limitations recited in Claim 13. Moreover, Claim 25 has been amended in a manner analogous to the amendment to Claim 13. Accordingly, for the reasons stated above for the patentability of Claim 13, Applicants respectfully traverse the rejection of Claim 25 (and all similarly rejected dependent claims) as anticipated by the '494 patent.

Amended Claim 1 is directed to a system for collecting information regarding execution of a target software application residing in a device unit, the system comprising: (1) a monitoring device having a plurality of monitoring components including an event logger, the monitoring device residing in the device unit; (2) a target application interface configured to receive a plurality of monitoring requests regarding monitoring of the target software application from the target software application for processing by the monitoring device, the target application interface residing in the device unit; and (3) a system resource residing in the device unit and having at least one system resource component shared among the plurality of monitoring components using at least one abstract class. Further, Claim 1 recites that the device unit is one of an image printing device and an appliance. Claim 1 has

been amended to clarify that the monitoring device is configured to process instructions sent from the target software application, wherein the instructions include instructions for sending event data to a remote site and instructions for storing the event data in a local disk. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.

Applicants respectfully submit that the rejection of Claim 1 (and all similarly rejected dependent claims) is rendered moot by the present amendment to that claim.

As discussed above, the '494 patent is directed to a method of automatic notification to a selected remote device in response to machine conditions detected by a machine monitoring element. However, as discussed above, Applicants respectfully submit that the '494 patent fails to disclose that a monitoring device is configured to process instructions sent from the target software application, wherein the instructions include instructions for sending event data to a remote site and instructions for storing event data in a local disk, as recited in amended Claim 1. Moreover, as admitted in the outstanding Office Action, the '494 patent fails to disclose a target application interface configured to receive a plurality of monitoring requests from the target software application for processing by the monitoring device, as recited in Claim 1.

The '143 patent is directed to a method for monitoring and capturing a pattern of all file usage of a software tool. As shown in Figure 3, a tool wrapper 30 requests that a file filter 18 monitor the input/output operations of the software tool 17.² However, Applicants respectfully submit that the '143 patent fails to disclose a target application interface configured to receive a plurality of monitoring requests regarding monitoring of the target software application from the target software application for processing by the monitoring device, as recited in Claim 1. In this regard, Applicants note that the *tool 17* does not request

² '143 patent, column 6, lines 23-29.

monitoring of the tool 17, but that the tool wrapper 30 requests monitoring of the tool 17. Further, Applicants respectfully submit that the '143 patent fails to disclose a monitoring device configured to process instructions sent from the target software application, wherein the instructions include instructions for sending event data to a remote site and instructions for storing the event data in a local disk, as recited in amended Claim 1.

Thus, no matter how the teachings of the '494 and '143 patents are combined, the combination does not teach or suggest the target application interface or the monitoring device recited in amended Claim 1. Accordingly, Applicants respectfully submit that amended Claim 1 (and all similarly rejected dependent claims) patentably define over any proper combination of the '494 and '143 patents.

Regarding the rejection of dependent Claims 8-12, 20-24, and 32-36 under 35 U.S.C. § 103, Applicants respectfully submit that the '434 patent fails to remedy the deficiencies of the '494 and '143 patents, as discussed above. Accordingly, Applicants respectfully traverse the rejections of dependent Claims 8-12, 20-24, and 32-36.

Thus, it is respectfully submitted that independent Claims 1, 13, and 25 (and all associated dependent claims) patentably define over any proper combination of the '143, '494, and '434 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Registration No. 34,648
Attorney of Record
Kurt M. Berger, Ph.D.
Registration No. 51,461

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

JJK/KMB/law
I:\ATTY\KMB\194543US-AF.DOC